

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4137-26

TRIGG et al

C# M#

Group Art Unit: 1654

Serial No. 09/991,714

Examiner: Audet. M.A.

Filed: November 26, 2001

Date: April 10, 2003

Title: SUSTAINED PEPTIDE-RELEASE FORMULATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
previously paid for	20	(at least 20) =	0	x \$ 18.00
				\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0	x \$ 84.00
				\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)	\$ 0.00
--	---------

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)	\$ 0.00
--	---------

Terminal disclaimer enclosed, add \$ 110.00	\$ 0.00
---	---------

<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)	\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed	
<input type="checkbox"/> Submission attached	

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract	-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith	

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$ 0.00
--	---------

Assignment Recording Fee (\$40.00)	\$ 0.00
------------------------------------	---------

Other:	0.00
--------	------

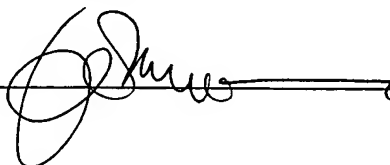
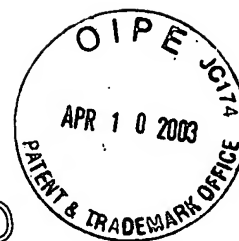
TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
LCM:lfm

NIXON & VANDERHYE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: _____

RECEIVED

APR 11 2003

TECH CENTER 1600/2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5
J.P.
RECEIVED

APR 11 2003

In re Patent Application of

TRIGG et al

Atty. Ref.: 4137-26

TECH CENTER 1600/2900

Serial No. 09/991,714

Group: 1654

Filed: November 26, 2001

Examiner: Audet. M.A.

For: SUSTAINED PEPTIDE-RELEASE FORMULATION

* * * * *

April 10, 2003

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

In response to the official action mailed March 11, 2003, the applicants hereby elect Group I. In response to the election of species requirement, in response to part (a), prostate cancer is elected, and in response to part (b), eulexin is elected as the GnRH agonist. The percentage weights elected are:

6-1 (Cl. 17-22)

5% (w/w) eulexin (on an active basis)

1% lecithin (w/w)

balance stearin

These elections are made with traverse. With regard to the election of Group I, it is noted that a restriction requirement was not made in the parent application, now granted as U.S. Patent 6,337,318, and that the scope of all of the claims of the present application were fully searched by the Examiner of the parent application. Notably, the claims of the parent application were of broader scope than those of the present

application, claim 1 of the present application being a combination of original claims 1 and 6. It is also to be noted that the primary "inventive step" resides in the identification of an excipient composition which essentially, comprises stearin and lecithin and which is suitable for the sustained release of a wide variety of GnRH agonists.

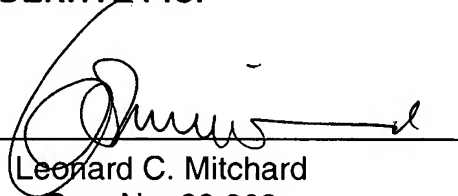
In light of the above, it is believed that the composition which embodies this invention and is defined in claim 1 constitutes a single general inventive concept unifying the claims of Groups I to IV. Reconsideration of the restriction requirement with respect to Groups I-IV is accordingly respectfully requested.

The requirements for election of species as recited in paragraphs (a) and (b) on page 3 of the action are likewise traversed. Such election of species requirements were not made in the parent case (now U.S. Patent 6,337,318), and the scope of all of the claims of the present application were fully searched by the Examiner in that case. It is not understood why the approach for the present case has changed. Reconsideration and withdrawal of the election of species requirements are accordingly respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lrm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100